

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

**United States Courts
Southern District of Texas
ENTERED**

MAR - 5 2005

**EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,**

Plaintiff,

v.

PESCE, LTD.

Defendant.

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CIVIL ACTION NO. H-03-2503

JURY TRIAL

Michael N. Milby, Clerk of Court

CONSENT DECREE

The Equal Employment Opportunity Commission (“Commission” or “EEOC”) has alleged that Defendant Pesce, Ltd. (“Pesce” or “Defendant”) is liable for intentional discrimination, in violation of Title VII of the Civil Rights Act of 1964, and Title I of the Civil Rights Act of 1991. The EEOC’s lawsuit alleges that Pesce violated these federal statutes by discharging Karim El-Raheb from his position of General Manager because of his national origin, Egyptian, shortly after the events of September 11, 2001. Pesce specifically denies each and every one of the allegations and has alleged that it terminated Mr. El-Raheb for legitimate, non-discriminatory reasons. However, to resolve the pending matter, the EEOC and Pesce agree, and this Court by entering this Consent Decree finds, that this Consent Decree has been negotiated by the parties in good faith, and that settlement of this matter will avoid prolonged and complicated litigation between the parties.

This Consent Decree resolves all issues raised in the complaint and the parties accept this Consent Decree as final and binding among themselves. This Consent Decree shall not constitute an admission, an adjudication or a finding on the merits of the case. The parties stipulate to the

jurisdiction of the Court and waive a hearing and the entry of findings of fact and conclusions of law.

It is therefore ORDERED that:

1. This Consent Decree is entered in full and complete settlement of any and all claims arising out of or contained in this lawsuit, Civil Action No. H-03-2503, and in EEOC Charge No. 330-A2-00996.

2. Pesce Ltd. and its principals agree that they will not engage in any employment practices which violate Title VII by unlawfully retaliating against any individual because of his or her complaints of discrimination, or because he or she opposed any practice believed to be an unlawful employment practice by Title VII, or because he or she has provided testimony or evidence related to this lawsuit or to the investigation of EEOC Charge No. 330-A2-00996.

3. Defendant agrees to pay Karim El-Raheb One Hundred Fifty Thousand dollars (\$150,000.00). The parties agree that the amount of \$150,000 represents a reasonable settlement of all claims made on behalf of Mr. El-Raheb. The allocation of said amount shall be governed by the settlement agreement executed by Mr. El-Raheb. Within ten (10) calendar days from the date of entry of this Decree, Defendant shall send the settlement amount above, less applicable withholdings, to Karim El-Raheb. The check(s) shall be mailed via certified mail, return receipt requested, to Mr. El-Raheb at his home address, which will be supplied to Defendant by Plaintiff. A copy of the check(s) shall be sent concurrently to the Commission at the following address: Equal Employment Opportunity Commission, attn: Timothy M. Bowne, 1919 Smith Street, 7th Floor, Houston, Texas 77002.

4. If Defendant owns or operates any restaurant during the effective period of this Consent Decree, which is outlined below in paragraph 7, Defendant agrees that within ten (10) days

after Pesce, Ltd. assumes ownership or begins operation of said restaurant, Defendant will post a non-discrimination notice. This notice shall remain posted for the balance of the effective period of this Consent Decree. A copy of this notice is attached hereto as Exhibit "A." The notice will be posted in a location, to be agreed upon by the parties, which is conspicuous and accessible to all employees. Defendant shall designate a manager, whose name will be provided to the EEOC, who will be responsible for ensuring that the notice remains posted for the balance of the effective period of this Consent Decree.

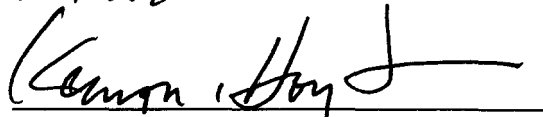
5. Defendant agrees to segregate in a separate, confidential folder all documents related to Mr. El-Raheb's charge of discrimination and the Commission's lawsuit. These documents shall not be part of his personnel file. Further, Defendant agrees not to reference any of the following to any potential employer of Mr. El-Raheb: his charge of discrimination, the Commission's lawsuit, or this Consent Decree entered in the Commission's lawsuit.

6. Defendant agrees not to give Karim El-Raheb any job references which are inconsistent with the reference provided on November 14, 2001.

7. This Decree shall remain in effect for twelve (12) months from the date of signing. During such time, the Court shall retain jurisdiction to assure compliance with this Decree and to permit entry of such further orders or modifications as may be necessary or appropriate.

8. The parties shall bear their own costs and attorney's fees.

Signed on this 3rd day of March, 2005.

A handwritten signature in black ink, appearing to read "Kenneth M. Hoyt", written over a horizontal line.

Kenneth M. Hoyt
United States District Judge

NOTICE
PURSUANT TO TITLE VII OF THE CIVIL RIGHTS ACT OF 1964,
AND THE CIVIL RIGHTS ACT OF 1991

- (1) With respect to hiring, promotions, compensation, discharge or any terms, conditions, or privileges of employment, Federal law requires that employers must not discriminate against employees or applicants for employment because of an individual's sex, religion, race, color, national origin, age or disability.
- (2) Pesce, Ltd. supports and will comply with such Federal law in all respects, and will not intentionally take any adverse action against individuals because of their race, religious practices or beliefs, sex, color, national origin, age or disability with respect to hiring, compensation, discharge or the terms, conditions or privileges of employment.
- (3) Pesce, Ltd. will not intentionally engage in any employment practices that have the effect of creating or tolerating a hostile environment for employees because of their race, religious beliefs, religious practices, sex, color, national origin, age or disability. Pesce, Ltd. will promptly investigate any claims of unlawful harassment, and will take prompt and appropriate action in response to any well-founded claim.
- (4) Employees who believe they have been subjected to illegal employment discrimination can contact the Equal Employment Opportunity Commission ("EEOC") at 1919 Smith Street, Houston, Texas 77002-8049; (713) 209-3372 or TTY (713) 209-3439.

SIGNED THIS _____ DAY OF _____, 2005.

Principal of Pesce, Ltd.

EXHIBIT A